

SANTA MONICA BAY RESTORATION COMMISSION

MINUTES OF THE MEETING OF THE GOVERNING BOARD

December 18, 2014

Del Rey Yacht Club

Welcome and Introductions

At 9:35 a.m. Micheal O'Leary called the meeting to order.

1) Comments from Members of the Public on Items Not on the Agenda and Public Testimony on All Agenda Items

O'Leary announced a change in format for public comment of 20 minutes for speakers at the beginning of the meetings due to the meetings having become over-extended and public comment having become extensive and repetitive. Frances McChesney referred to the Bagley-Keene Act and said the changes are consistent with it, adding that the Commission is a non-regulatory entity.

Introductions by attendees followed.

Public Comment:

Kathy Knight, Sierra Club Airport Marina Group Conservation Chair, spoke against the cutting of trees at the Oxford basin. Knight asked that nature needs to be addressed seriously not just developers. Knight also noted that an unnamed member of the public did not speak for her organization in the past and apologized if the person's views were perceived to represent those of her group. Laura Emberson yielded her time for other public members. Marcia Hanscom representing Sierra Club mentioned that the Bagley-Keene act allowed the public to speak on every agenda item. Hanscom spoke about concerns of transparency of current and past Commission staff. Hanscom also said the JPA authority was never approved by the Commission, and said the Authority will change Ballona in its entirety. Roy Van De Hoek, president of the Ballona Institute, said Marina del Rey is an estuary being 2/3 salinity vis-a-vis the open ocean and by being brackish waters it is estuary. Van De Hoek recommended the tide gate to remain open. Walter Lamb spoke about lack of oversight and transparency of the Commission impacting negatively the Ballona Wetlands. Walter also said the Ballona Wetlands Land Trust has made recommendations on Ballona that have been dismissed, and said they are proceeding with legal action. Patricia McPherson from the Grassroots Coalition distributed a flyer with comments from the California Dept. of Fish & Wildlife regarding the Oxford basin. McPherson said the Commission's basic tenet was to work with the public and that it has not happened in any way at any forum and that meetings from the Watershed Advisory Council do not happen, and that the public comment change at this meeting is another way of stifling the public. McPherson also spoke about the Oxford basin project and said there are no EWMP's or BMP's for it, and said there is no need to destroy trees.

2) Informational Items

a) Order of Agenda

The order of agenda was not changed.

b) Reports from the Chair and Executive Committee (EC)

Scott Valor gave the EC meeting report from November. Valor said the primary purpose of the EC is to set the agenda for the Commission and mentioned the agenda and staff reports are very similar to what is presented to the Commission board, and thus substantial information can be obtained before the Commission meeting from EC meeting documents on the SMBRC website.

c) Reports from the Technical Advisory Committee

Richard Ambrose reported that the TAC is working on the State of the Bay report and said the first workshop was held with the best experts in California on the health of one of the habitats, the rocky intertidal. Ambrose said the biggest challenge from the last report is to have objective assessments. Ambrose said the TAC will keep reporting on progress on more habitats at the next Commission meetings.

d) Reports from the Executive Director (ED) and Staff

Tom Ford gave an overview of the U.S. EPA review of the Santa Monica Bay National Estuary Program (NEP), and said the reviews are every two years, with a comprehensive review every five years. He said the most recent five year review was just completed and progress was deemed adequate and positive. Ford congratulated and thanked members for their work on the progress of the report. Ford also spoke about President Obama's executive order and its interpretation by the U.S. EPA, and said that the activities of our NEP are expected to be consistent with those higher objectives by 2020. Ford mentioned the implications of vulnerability assessments. Ford recommended a report released by IPCC (Intergovernmental Panel on Climate Change, www.ipcc.ch), especially the summary for policymakers for impact, adaptation, and vulnerability in our region.

Ford congratulated the City of LA and LA Waterkeeper for making LA one of the best performers regarding its sewer system and for water quality, with more work to do. Ford mentioned a new project in Venice, the Venice Dual Force Main sewer, which he suggested is worth presenting to the Commission. Ford also thanked the City of Santa Monica for its In-Line Storm Drain Infiltration system, with a pervious underground system, and said the report for this system can be found on the SMBRC website. Ford also said the Annenberg Foundation suspended its involvement at Ballona, but said the EIR/EIS efforts are ongoing and updates will be available at ballonarestoration.org. Ford commended the Dept. of Fish and Wildlife for being more transparent than they needed to with regards to this process, referring to public comments to the contrary. Ford also reported on the Malibu Lagoon breaching west, as designed; Ford said water samples at the lagoon are being collected and will be reported in early 2015.

3) Governing Board Business

a) Consideration of Approval of October 16, 2014 Minutes

Public Comment:

Van De Hoek referred to the last minutes regarding a presentation at the last meeting where "Stressors" at Ballona were presented on and said an objective contra-statement needed to be added. Frances McChesney clarified the purpose of the minutes.

Minutes were approved without objection. (M: Newman, S: Sachse)

b) Election of SMBRC Chair and Vice-Chairs (Comprising the Executive Committee)

Valor introduced the agenda item and selection process. GB members approved the Chair and Vice-Chairs, as follows:

CHAIR:

Ballona Creek Watershed Cities (Micheál O’Leary, City of Culver City)

VICE-CHAIRS

Heal The Bay (Sarah Sikich)

3rd Supervisorial District, Los Angeles County (Supervisor Kuehl, represented by Susan Nissman)

West Basin MWD (Director Gloria Gray)

Los Angeles Waterkeeper (Liz Crosson)

California Coastal Conservancy (Joan Cardellino)

LA Regional Water Quality Control Board (Fran Diamond)

This agenda item was approved by acclamation, having no more candidates than seats available.

c) Consideration of Approval of Santa Monica Bay Restoration Authority (JPA) Fiscal Year 2014-2015 Budget

Ford introduced this agenda item and mentioned the JPA composition and purpose. Ford said the JPA board met and had program presentations. John Sibert said the reports were reviewed at the JPA meeting. With regards to the Malibu Lagoon project, Sibert expressed that better integration of data by various entities needed to occur. Charles Caspary mentioned that the budget lacked allocation of funds for fish surveys and asked if that was being done. Suzanne Goode said those surveys are being done by the Resource Conservation District. Marvin Sachse asked if labor is all staff time. Staff answered that most labor at the Malibu Lagoon as well as the Boater Education program is done by staff, in partnership with other agencies. McChesney added that both the Commission and the County approve the JPA budget, and that the funds go to the County’s account to implement these JPA projects, and that the Commission doesn’t have any money. Gloria Gray asked who conducts the annual audit. Staff replied that the auditor-controller at the County hires an auditor and is in charge of this process.

This agenda item was approved without objection. (M: Sibert, S: Murphy)

d) Consideration of Approval of 2015 Governing Board Meeting Dates

Valor introduced this agenda item and GB approved the following GB meeting dates for 2015:

February 19

April 16

June 18

August 20

October 15

December 17

This agenda item was approved without objection. (M: Sachse, S: Newman)

e) Board Discussion of Potential Requests for Proposal (Prop. 84)

Ford introduced this item for Governing Board feedback and guidance and spoke about how Proposition funds relate to the Bay Restoration Plan (BRP). Jim Knight asked if a city enhancement management plan that drains into Machado Lake would be covered. Ford said it wouldn't be out of scope since all drains to the ocean anyway. Ford said \$7.2 million of these Prop 84 funds are available. Susan Nissman asked if these funds can be used for source identification, and if not to complement funding for this aspect, and said it's important to partner for effective solutions. Jack Topel said that capital projects can be sometimes combined with implementation projects. Joan Cardellino said the Coastal Conservancy has Prop 84 funds and that they consider pre-project analysis that leads to a capital project as a legitimate expense under Prop 84, because project decisions are based on good science. McChesney added a clarification and said the money does not go to SMBRC, but that SMBRC makes recommendations to the SWRCB on how to spend the money.

Ambrose supported the use of studies leading to the most useful projects, and said the TAC is sometimes uncertain if the capital project is the best, and recommended an optimization or monitoring aspect be placed into projects to collect the data and see if a project is working as well as pre-and post-planning. Liz Crosson asked if Prop 84 can provide incentive for multi-benefits and still make it consistent with Prop 84. Ford said there is usually leeway and additional funding sources for these projects. O'Leary proposed a phased approach, bringing projects to the table from wish lists and ideas, for instance, for consideration, since there are already enhanced management plans and management plans, and then have the board decide if studies are needed and to get seed money or portions of it for projects. Rorie Skei asked if there was a maximum and minimum proposal amount or if it would be left open, for small projects or a spectacular big project. Ford said it would be left open. Charles Caspary asked that projects be well designed to include a minimum percentage of co-funding requirement to leverage the funds to the best extent possible. Topel said there is a match requirement for the projects.

Joe Gully proposed the use of performance evaluations to justify post-project completion monitoring funding. Gray asked how the projects come about, and Ford said that would be part of a new member orientation. Topel described the process of projects selected, starting with RFP's, eligibility, and the evaluation and selection process. Sachse underscored delineating clearly the deliverables expected. Enrique Zalvidar echoed the need for an optimization period, because these projects may need more than the traditional capital the project initially requests. Knight concurred with giving projects a chance to be modified, especially for the cities. Ford thanked members for feedback.

f) Presentations on Oil Drilling, Shipping, and Pipeline Issues Affecting the Santa Monica Bay Watershed

Ed Almanza, City of Hermosa Beach project manager, presented an overview of the proposed oil drilling at Hermosa Beach. Almanza said the project is subject to approval by city voters in March not the city council. Almanza described the issues with the project drilling of 34 wells, some in the ocean some in the land, with phases of relocation of a city yard, exploratory drilling, building of permanent facilities, and a production phase. Almanza spoke about potential impacts addressed in the EIR, and found significant sensitivity impacts, despite the low probability, in nine areas, affecting the oceans and other areas. Ford spoke about various sources of oil, oil transportation methods, oil types moving into Southern California, and spills and consequences to the environment. Almanza's presentation is available upon request.

Jim Knight asked what the Commission can do. Ford said plans can be added to the BRP. Crosson asked about the degree of expansion of oil capacities and transportation. Sarah Sikich answered Knight and encouraged members to oppose the project as individuals or organizations. Bob Godfrey asked if there is any concern of capped oil wells becoming unplugged. Daniel Murphy asked about the Redondo Canyon natural seepage. Almanza said that the drilling will likely reduce pressure and seepage.

Public Comment

Dana Murray from Heal the Bay stressed the importance of the oil drilling issue and asked for an SMBRC resolution and, if not possible, for individual Governing Board members to do so their own entities.

Diamond asked if the Governor had taken a position on this issue or if anybody had reached him. Sikich said Heal the Bay has been educating legislators on the issue, but did not know if the Governor had taken a position. Craig Cadwallader mentioned a difference between technical aspects of an oil spill and actual spills that pose risks and mentioned other spills. Cadwallader expressed deep concern and asked members to take a position. McPherson also asked members to take a position. McPherson spoke about gases and spills and expressed concerns about enforcement.

g) Member Comment—Governing Board member comment on issues not otherwise on the agenda

Sibert recommended GB members receive a report from the work on a commission he serves on regarding the funding options for the LA County Stormwater system. Crosson addressed public comment and mentioned that some entities such as cities can't take a position, but as individuals, members can, citing city council members as an example. Clark Stevens asked for a presentation to the Commission on the Topanga Creek Watershed study. Stevens also announced funding from California Wildlife Conservation to fund the first phase of a study for the proposed Liberty Canyon wildlife crossing with match funding from various members of the Commission. Nissman acknowledged Beaches and Harbors and the working group on the Malibu berm breach and asked that the process be continued. John Kelley said Beaches and Harbors completed a modified berm and it is in place. Zalvidar asked for a presentation on a critical project for water infrastructure in the region, the Venice Dual Force Main project. Ambrose announced the downscaling climate change projects in LA at www.c-change.la

The meeting adjourned thereafter, at 11:47 a.m., without objection.

Attendance

Voting Members of the Governing Board:

Dayna Bochco, California Coastal Commission
Joan Cardellino, California State Coastal Conservancy
Charles Caspary, Las Virgenes Municipal Water District
Liz Crosson, Public Member/Environmental, Angeles Waterkeeper
Fran Diamond, California Regional Water Quality Control Board, Los Angeles
Gloria Gray, At-Large Member (West Basin MWD)
Robert Godfrey, At-Large Member (Marina del Rey Anglers)
Suzanne Goode, California Department of Parks and Recreation
Joe Gully, LA County Sanitation District
Grace Hyde, Los Angeles Sanitation Districts

John Kelly, LA County Department of Beaches & Harbors
Jim Knight, South Bay Cities (City of Rancho Palos Verdes)
Dan Murphy, LA County Fire Department, Lifeguard Division
Micheal O’Leary, SMBRC Chari, Ballona Creek Watershed Cities (Culver City)
Marvin Sachse, Brash Industries
John Sibert, Malibu Watershed Cities (City of Malibu)
Sarah Sikich, Public Member/Environmental, Heal the Bay
Rorie Skei, Santa Monica Mountains Conservancy
Fran Spivy-Weber, California Environmental Protection Agency
Clark Stevens, At-Large Member BWC (SM Mountains RCD)
Enrique Zaldivar, Los Angeles City Public Works, Bureau of Sanitation

Non-Voting Members of the Governing Board:

Rich Ambrose, Technical Advisory Committee, Chair
Laurie Newman, The Bay Foundation
Timothy Pershing, Assembly Member Richard Bloom, 50th District
Kara Seward, State Senator Fran Pavley, 27th District

SMBNEP Staff:

Julie Du Brow
Tom Ford
Victoria Gambale
Karina Johnston
Jack Topel
Scott Valor
Marcelo Villagomez

SWRCB Staff:

Frances McChesney, Attorney IV, Office of Chief Counsel

Other Attendees, including other Watershed Advisory Council Members:

Michael Blum, Malibu Surfing Association
Dr. Willie Brien, City of Beverly Hills, Westside COG
Craig Cadwallader, Surfrider Foundation South Bay Chapter
E.J. Caldwell, West Basin MWD
Tonga Durrell, LA Sanitation
Laura Emberson, Ballona Wetlands Land Trust
Cesar Espinosa, DBH
Marcia Hanscom, Sierra Club
Kathy Knight, Airport Marina Group of Sierra Club
Walter Lamb, BWLT
Christian Lim, LACDPW
Dana Murray, Heal the Bay
Ellen Perkins, South Bay Cities COG (alt.), Palos Verdes Estates Mayor
Damian Skinner, Culver City
Wing Tam, LA City Dept of Public Works
Robert “Roy” Van DeHoek, Ballona Institute